

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF TENNESSEE
WINCHESTER DIVISION

IN RE:)
)
ROBERT R. HATTAWAY,) Case No. 4:06-BK-11251
) Chapter 12
)
Debtor.)
)

MOTION TO DISMISS

NOTICE OF HEARING

A hearing will be held **June 1, 2009** at 9:30 a.m. in Courtroom 305 of the U. S. Post Office and Courthouse, 200 South Jefferson Street, Winchester, Tennessee, on the following Motion to Dismiss by the United States of America.

If you do not want the court to grant the relief requested, you or your attorney must attend this hearing. If you do not attend the hearing, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief.

The United States of America, on behalf of its agency, the United States Department of Agriculture, by and through James R. Dedrick, United States Attorney for the Eastern District of Tennessee, respectfully moves this court for an order dismissing the above-captioned proceeding. For cause, the United States would show:

1. The debtor filed a petition under Chapter 12 of the Bankruptcy Code on April 28, 2006 and the debtor's Chapter 12 Plan was confirmed on August 7, 2007. (Doc. No. 69.)
2. The United States has not received the payments required under the plan. The January payment is now over 90 days past due.
3. The IRS also has issues still pending before this court. (Doc. No. 141)
4. A party in interest may move for dismissal of a Chapter 12 case, for cause, including failure to make timely payments under the plan. 11 U.S.C § 1208(c)(4) and (6).

Clearly, debtor's failure to comply with the Agreed Order of Confirmation constitutes a ground for dismissal pursuant to 11 U.S.C. § 1208.

WHEREFORE, for the above reasons, it is prayed that the debtor's Chapter 12 proceeding be dismissed.

Respectfully submitted,

JAMES R. DEDRICK
United States Attorney

/s/M. Kent Anderson
M. Kent Anderson (BPR #004199)
Assistant United States Attorney
1110 Market Street, Suite 301
Chattanooga, TN 37402
Kent.Anderson@usdoj.gov
(423) 752-5140

CERTIFICATE OF SERVICE

I hereby certify that on April 23, 2009, a copy of the foregoing was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties listed on the attached mailing matrix, and not served by the Court's electronic filing system, will be served by regular U.S. mail. Parties may access this filing through the Court's electronic filing system.

/s/M. Kent Anderson

M. Kent Anderson (BPR #004199)
Assistant United States Attorney
1110 Market Street, Suite 301
Chattanooga, TN 37402
Kent.Anderson@usdoj.gov
(423) 752-5140